

REMARKS

Claims 1-12 are pending in the present application. Independent claims 1 and 7 have been amended in this response. No new matter was introduced as a result of the amendments. Support for the amendments may be found, for example, in paragraphs [0067], [0072] and [0079-81]. Entry of the amendments and favorable reconsideration is earnestly requested.

Claim Rejections - §112, Second Paragraph

Claims 1-11 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. In light of the present amendments, Applicant respectfully submits the rejection is overcome and should be withdrawn.

With regard to “entire processing” (see [0067, 0072]), the claims were amended to provide proper antecedent basis. With regard to “operating environment”, “type of processing,” “estimation of processing” and “selectively connect”, applicant submits these terms are clear within the context of the claims, and are fully supported in the specification (see [0046], [0058-59], and [0067-68]). Applicant directs the examiner’s attention to MPEP 2173.01, which states in pertinent part:

A fundamental principle contained in 35 U.S.C. 112, second paragraph is that applicants are their own lexicographers. They can define in the claims what they regard as their invention essentially in whatever terms they choose so long as any special meaning assigned to a term is clearly set forth in the specification. See MPEP § 2111.01.

Accordingly, Applicant respectfully requests the rejections be withdrawn.

Claim Rejections – 35 U.S.C. §103(a)

Claims 1-6 were rejected under 35 U.S.C. §103(a), as being obvious over Macias et al. (US Patent No. 5,886,537) in view of Arnold et al. (US Patent No. 5,175,837), in view of Rawson III (US Patent No. 7,318,164), and further in view of Takeda et al. (US Patent Pub. 2002/0068626). Applicant respectfully traverses this rejection.

As argued previously, Macias discloses that each Self-Dual Processor (SDP) *individually* decides whether it should operate in D-mode or in C-mode (col. 4, lines 4-14; col. 5, lines 7-13). Therefore, it is respectfully submitted that Macias fails to teach or suggest “wherein the management processor estimates a type of processing and an entire load of processing, and determines, based on the estimation, a number of component-processors to operate, and wherein said management processor configures connections of each of the component-processors and loads application programs into the component-processors,” as recited in amended independent Claims 1 and 7. More importantly, Macias *teaches away* from this configuration for the same reasons. As described in lines 42-44 of column 2 of Macias, the controller of PLDs is itself composed of PLDs, and the controller does not estimate the amount of processing.

Regarding Arnold, the document discloses a multi-processing system consisting of a plurality of CPU’s sharing a common memory, wherein a system control unit (SCU) links the CPU’s to an I/O controller (col. 5, lines 45-65). Clearly the disclosure in Arnold deals with processing memory access (see Abstract), and has nothing to do with changing the operating environments of component-processors in accordance with a demand for signal processing as presently claimed.

Regarding Rawson, the disclosure related to a system that monitors *power workloads* to deactivate processors to save power consumption (col. 1, line 63 – col. 2, line 16). Again, this

has nothing to do with the present claims, and has nothing to do with the teaching in Arnold and Macias. Similarly, the disclosure in Takeda ([0049-52]) deals with graphics processing and the generation of images – nothing whatsoever in this disclosure is relevant to the present claims or the other references cited above. McNeill also fails to solve any of the deficiencies discussed above.

Furthermore, there is no apparent reason why one having ordinary skill in the art would combine the references in the manner suggested in the Office Action. As explained in detail above, the features cited in the documents relate to disparate, non-analogous technological areas that have no relevance to one another or the present claims. Regarding Obviousness,

Section 103 forbids issuance of a patent when “the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.”

KSR Int’l Co. v. Teleflex Inc., 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations including (1) the scope and content of the prior art, (2) any differences between the claimed subject matter and the prior art, (3) the level of skill in the art, and (4) where in evidence, so-called secondary considerations. *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966). See also *KSR*, 550 U.S. at 407 (“While the sequence of these questions might be reordered in any particular case, the [Graham] factors continue to define the inquiry that controls.”)

The Supreme Court stated that in cases involving more than the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for the improvement, it will be necessary to “determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.” *Id.* at 417-

418. The Court noted that "[t]o facilitate review, this analysis should be made explicit." *Id.* at 418 (citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) ("[R]jections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness")).

Rejections based on 35 U.S.C. § 103 must rest on a factual basis. In making such a rejection, the examiner has the initial duty of supplying the requisite factual basis and may not, because of doubts that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in the factual basis. *In re Warner*, 379 F.2d 1011, 1017 (CCPA 1967).

For at least these reasons, Applicant submits the rejection is improper and should be withdrawn.

Claims 7-11 were rejected under 35 U.S.C. §103(a), as being obvious over Macias et al. (US Patent No. 5,886,537) in view of McNeill et al. (US Patent No. 4,876,643), in view of Rawson III (US Patent No. 7,318,164), and further in view of Takeda et al. (US Patent Pub. 2002/0068626). Applicant respectfully traverses this rejection.

Independent claim 7 is allowable the same reasons discussed above in relation to independent claim 1. Claims 8-11 are allowable as a result of their dependence, directly and indirectly, from independent claim 7.

In view of the amendments and remarks set forth above, this application is believed to be in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is

respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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